

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 29, 2003

TO: Internal File

THRU: Joseph C. Helfrich, Environmental Scientist III, Biologist & Team Lead

FROM: Karl R. Houskeeper, Environmental Scientist III

RE: South Crandall Lease Revision, Genwal Resources, Inc., Crandall Canyon Mine, C/015/0032, Task ID #1698

SUMMARY:

The Division received an application on September 16, 2003 Genwal resources Inc. The application requested a modification of their mining and reclamation plan to include the new South Crandall Federal Lease (UTU-78953). Lease (UTU-78953) contains approximately 880 acres. No surface disturbance is proposed with this lease acquisition. Access to this lease area will be through the existing surface facilities and newly developed portals in Crandall Canyon. The applicant is currently developing the three (3) new portals adjacent to the existing surface facilities. This memo addresses the administrative and land use sections of the regulations.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

Pages 1-iii, 1-8, 1-9, and 1-12 were submitted in the application to replace the current information in the approved Mining and Reclamation Plan (MRP).

Findings

R645-301-112 The telephone prefix for Genwal Resources, Inc. is now 888, but page 1-8 still shows the prefix as 564. Page 1-1 was not submitted with the application, but requires the same prefix change identified above.

Page 1-7 of the approved MRP (not submitted) needs to be updated. The statement on this page "IPA is currently engaged in the reclamation of the Horse Canyon Mine, under permit ACT/007/013, located in Emery County, Utah..." needs to be modified or removed. IPA is no longer associated with the Horse Canyon Mine.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

Pages 1-8 and 1-9 contain a statement on violation information. This paragraph needs to be updated to give current information for the three (3) previous years from the time of the application. Appendix 1-11 (list of violations) is referred to under the violation section in the MRP. Appendix 1-11 needs to be updated and submitted as part of the application.

Findings

R645-301-113 Pages 1-8, 1-9, and Appendix 1-11 need to be updated and submitted with the current information for the three previous years of violation history.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

Page 1-9 and 1-12 were submitted as part of the application package. Page 1-9 identifies the lease and the date it was acquired. Appendix 1-13 is new and contains a copy of the lease agreement for Federal Coal Lease UTU-78953. Page 1-2 contains a legal description of the lease, which correlates with the area identified on Plate 1-1.

Pages 1-10 and 1-11 were not included as part of the application. Information on these pages provides a description of the permit area. This description has not been revised to include the new lease.

Findings

R645-301-114 Pages 1-10 and 1-11 need to be revised and submitted as part of the application. Revisions on these pages needs to made on the legal description to include the new Federal Coal Lease UTU-78953 in the permit area.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

The application did not include a draft publication that is to be advertised in the newspaper once a week for four consecutive weeks. After publication in the local paper for four consecutive weeks a proof of publication needs to be filed with the Division no later that four weeks after the last date of publication.

Findings:

R645-301-117.200 Proof of publication needs to be filed with the Division no later than four (4) weeks after the last date of publication. The publication needs to be advertised once (1) a week for four (4) consecutive weeks.

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PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The C1 and C2 forms for the application were notarized with the submission of the application. Page 1-16 of the approved MRP was not included in the application, but needs to be updated and submitted as part of the application. This page needs to be updated (present date) to include a signature and notary that the newly submitted information in the Significant Revision is correct and accurate to the best knowledge of the person signing the page.

Findings:

R645-301-123 Page 1-16 needs to be updated to include a current signature that the information in the approved MRP, inclusive of the significant revision, is correct and accurate to the best of their knowledge. This page and signature needs to be notarized.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The application indicates that a letter from SHPO showing no significant resources exist in the South Crandall Tract is contained in Appendix 4-9. Appendix 4-9 did not contain the letter from SHPO when it was submitted as part of this application. The letter from SHPO is to be sent directly to the Division. The Division received a letter from SHPO on October 28, 2003. This letter indicated that no significant resources exist in the proposed lease area.

Findings:

Information contained in this portion of the application meets the requirements set forth in the regulations. No further information is needed. The permittee needs to assure that a copy of the letter is contained in the approved MRP.

RECOMMENDATIONS:

Prior to approval the requirements of **R645-301-112, R645-301-113, R645-301-114, R645-301-117.200, R645-301-123** must be provided as outlined above.